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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,208	10/23/2001	Bharath Rangarajan	E0819	9133

7590 02/18/2005

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EXAMINER

LAZOR, MICHELLE A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/000,208

Applicant(s)

RANGARAJAN ET AL.

Examiner

Michelle A Lazor

Art Unit

1734

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.




Continuation of 11. does NOT place the application in condition for allowance because: Referring to the amendment presented by the Applicant 10/4/04, Examiner notes there is a significant difference between the original claim 7, and the amended claims 1 and 13. Namely, claim 7 refers to the return line including a trap, while amended claims 1 and 13 refer to a liquid trap. Therefore since the amendment to Claims 1 and 13 called for a new search and necessitated a new ground of rejection, the finality of the Office Action mailed 12/7/04 remains appropriate.

With respect to the argument presented by the Applicant regarding direct dispensing of resist liquid into the return line, Examiner disagrees. According to claim 1, the liquid is not required to be directly dispensed from the reservoir into the return line; the claim does not exclude dispensing of the liquid to a catch member, such as that disclosed by Kitano et al. (90), and then dispensing to a return line. Thus, direct dispensing of the liquid into the return line is not specifically required.

Examiner disagrees Kitano et al. does not contemplate recycling of the resist solution. Kitano et al. discusses reusing the resist liquid (column 10, lines 47 - 54), and therefore one of ordinary skill in the art would look to someone like Tateyama et al. to see how one would design a recycling system that could be used in the apparatus disclosed by Kitano et al. As discussed in the Office Action mailed 12/7/04, although Kitano et al. does not specifically disclose continuously dispensing fluid, the apparatus is capable of functioning as claimed, and therefore renders the claim obvious.

Regarding the arguments presented by the Applicant with respect to Tateyama et al., Examiner again disagrees. The specific structure of the apparatus disclosed by Tateyama et al. is not pertinent. Tateyama et al. was referred to because the apparatus shows how one in the art would introduce a recycling system, as discussed in the Office Action mailed 12/7/04.

Regarding the arguments presented by the Applicant with respect to claim 10, Examiner disagrees. It is noted that the features upon which applicant relies (i.e., a return tube for returning recycled fast-drying resist to a reservoir, depending on whether a movable dispensing nozzle is present at the return tube) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As stated in the Office Action mailed 12/7/04, the Tateyama et al. reference is used to show how one would add recycling to an apparatus such as the one disclosed by Kitano et al.; and obviously, Kitano et al. does not use a vacuum to recapture fluid. Therefore Kitano et al., Tateyama et al., and Ravishankar would be able to function with a capped return line or reservoir.


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